

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

VICTORIA D. JOHNSON

PLAINTIFF

v.

CIVIL ACTION NO. 4:25-CV-1-MPM-JMV

**LOWES HOME IMPROVEMENT and
JONATHAN COLEMAN**

DEFENDANTS

ORDER

On February 25, 2025, defendant Lowes Home Improvement (“Lowes”) filed a Rule 12 motion to dismiss the above-entitled employment discrimination action. The *pro se* plaintiff Victoria D. Johnson has not responded in opposition to the motion, nor has she sought additional time to do so.

After reviewing Lowes’ unopposed motion, this court agrees with it that plaintiff failed to file this lawsuit within the time provided by law. In particular, the record demonstrates that the EEOC sent its Right to Sue letter to plaintiff on July 26, 2024, yet she did not file the Complaint in this case until January 3, 2025, some 161 days later. [Exhibit 1 to the complaint]. This court notes that the EEOC’s letter plainly informed plaintiff in bold letters of the ninety-day limitations period, *id.* and she was thus clearly on notice of the applicable deadline. *See also* 42 U.S.C. § 2000e-5(f)(1); *Nilsen v. City of Moss Point, Miss.*, 674 F.2d 379, 381 (5th Cir. 1982) (noting ninety-day notice period). This court therefore agrees with defendant that plaintiff’s Title VII retaliation claim is due to be dismissed as untimely, and it likewise agrees that her remaining employment discrimination claims (including her ADA disability claim) should be dismissed for

failure to exhaust administrative remedies before the EEOC. Defendant's motion to dismiss will therefore be granted.

It is therefore ordered that defendant's motion to dismiss is granted.

A separate judgment will be entered this date, pursuant to Fed. R. Civ. P. 58.

This, the 16th day of July, 2025.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI